HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 26596 OF 20067

DATED: 25.1.2007

Between:

K.JhansiLakshmi wife of Satyanrayana

... Petitioner

and

The Revenue Divisional Officer,Machilipatnam, Krishna District
and others. ...Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.26596 OF 2006

ORAL ORDER:

The petitioner assails the order dated.20-11-2006 issued by the 1st respondent suspending the authorisation granted in favour of the petitioner to run the fair price shop No.2, Bantumilli. On allegations of violation of the Control Order, on commission of irregularities, proceedings under Sec.6-A of the Essential Commodities Act,1955 (for short "the Act") were initiated by the respondents. According to the petitioner, notice under Sec.6-B of the Act has not yet been issued. Meanwhile, on the basis of the allegations which formed the substratum for initiation of proceedings under Sec.6-A of the Act, exercising disciplinary control under the provisions of the A.P.S.P.D.S.(Control Order) 2001, the petitioner's authorisation was suspended in exercise of the powers under paragraph.4 of the Control Order. The 3rd respondent is appointed as an enquiry officer to enquire into the allegations and to submit a detailed report while also directing the 3rd respondent to ensure alternative arrangements so as to avoid inconvenience to the cardholders and public.

The petitioner assails the order of suspension pending enquiry contending that till the notice under Sec.6-B is issued there could be no final orders passed under Sec.6-A of the Act and till such final orders are passed there could be no disciplinary proceedings pursued under the Control Order in question including suspension pending

enquiry into allegations. In the considered view of this Court this contention does not commend acceptance.

The disciplinary control available under the Control Order including the power to suspend or cancel the authorisation is a distinct and independent specie of power vis-à-vis the power under Sec.6 of the Act. Both the powers run parallel and are not interdependent. Even without proceedings initiated under Sec. 6-A of the Act, the competent authority is entitled to proceed against a delinquent authorizee under the provisions of the Control Order for violation of the terms and conditions of the authorisation or for any other alleged irregular conduct. What is impugned in this writ petition is a mere order of suspension of the authorisation. None of the grounds urged in this writ petition merit interference.

There are no merits in the writ petition. The writ petition is accordingly dismissed at the stage of admission. In the circumstances no order as to costs.

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GODA RAGHURAM,J

25th JANUARY,2007
*TSNR